

FRIDAY, JANUARY 17, 2003
FOURTH ORGANIZATIONAL DAY

CALL TO ORDER

The Senate met at 10:00 a.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Pastor Rex Williams of the Victory Life Assembly of God in Somerville, Tennessee, a guest of Mr. Speaker Wilder.

PLEDGE OF ALLEGIANCE

Senator Herron led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 31

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

COMMUNICATION

January 17, 2003

Lt. Gov. John Wilder

Please excuse Senator Doug Jackson from session today due to bad weather.

Per phone -- Senator Doug Jackson

APPROVED: Lieutenant Governor
John S. Wilder

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 13 by Senator Fowler.

Highways, Roads and Bridges -- Revises requirements for commissioner of transportation to reimburse utilities owned by business organizations chartered as not-for-profit utility districts for reasonable costs associated with utility relocations necessitated by construction on state highways in certain circumstances. Amends TCA Title 54, Chapter 5, Part 8.

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Senate Bill No. 14 by Senator McNally.

Codes -- Adds International Building Code and International Fire Code to codes local governments may adopt to be exempt from state review of plans of construction. Amends TCA Section 68-120-101.

Senate Bill No. 15 by Senator McNally.

Codes -- Allows LEA vocational-technical students to construct on campus and sell one modular building each year, under certain conditions, without complying with Modular Building Act. Amends TCA Title 68, Chapter 126, Part 3.

Senate Bill No. 16 by Senator McNally.

Death -- Permits registered nurse employed by hospital and licensed in this state to make determination and pronouncement of death for patients in that hospital if attending physician agrees in writing to sign death certificate and agreement is present with deceased at time of death. Amends TCA Title 68, Chapter 3, Part 5.

Senate Bill No. 17 by Senator McNally.

Taxes, Ad Valorem -- Permits counties or municipalities by resolution to defer collection of portion of property taxes attributable to increase in value due to renovation of older residences. Amends TCA Title 7, Chapter 64.

Senate Bill No. 18 by Senator McNally.

Tort Liability -- Extends tort immunity, under certain circumstances, to the leaders and members of certain religious groups and organizations. Amends TCA Title 29, Chapter 34, Part 2.

Senate Bill No. 19 by Senator McNally.

Insurance, Fire and Casualty -- Doubles maximum permissible risk of county mutual fire insurance company in Monroe County from \$75,000 to \$150,000; doubles single risk for other county mutual fire insurance companies maintaining \$50,000 in surplus funds for each \$1,000,000 of insurance from \$50,000 to \$100,000. Amends TCA Section 56-22-106.

Senate Bill No. 20 by Senator McNally.

Civil Procedure -- Creates civil cause of action against any person or organization that provides material support or resources to person or organization that commits act of terrorism; provides for compensatory and punitive damages, treble damages, attorney fees and costs of action. Amends TCA Title 29, Chapter 34, Part 2.

Senate Bill No. 21 by Senator Crutchfield.

Economic and Community Development -- Creates joint select committee to study economic development in Tennessee, including potential creation of industrial development zones. Amends TCA Title 3, Chapter 15; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 54; Title 64; Title 67 and Title 68, Chapter 220.

Senate Bill No. 22 by Senators Cohen, Cooper, Person and Crutchfield.

Animals and Animal Cruelty -- Increases penalty for first conviction of offense of aggravated cruelty to animals from Class A misdemeanor to Class E felony. Amends TCA Title 39, Chapter 14, Part 2.

Senate Bill No. 23 by Senators Cohen, Clabough, Cooper, McNally and Crutchfield.

Public Officials -- Requires that in order to remove public official from office under ouster law for ground of engaging in any form of gambling, gambling engaged in must be illegal gambling. Amends TCA Section 8-47-101.

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that **Senate Bill No. 12** passed second consideration and was held on the Clerk's desk pending the appointment of the appropriate committee.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 13 by Senator Crutchfield.
Memorials, Sports -- Soddy-Daisy Cheerleaders.

Senate Joint Resolution No. 14 by Senator Crutchfield.
Memorials, Personal Occasion -- Reverend Melvin Jordan.

Senate Joint Resolution No. 15 by Senators Cohen, Clabough, Cooper, Crutchfield and Jackson.
Constitutional Amendments -- Requires that referendums be placed on ballot of next regular general election, rather than next gubernatorial election; requires, for passage of referendums, majority of citizens voting in favor of referendum, rather than majority as determined by number of citizens voting for governor.

RESOLUTIONS LYING OVER

Senate Joint Resolutions Nos. 11 and 12 and **House Joint Resolutions Nos. 8 and 9** were held on the Clerk's desk pending the appointment of the appropriate committees.

MOTION

Senator McCleary moved that the rules be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 16**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 16 by Senator McLeary.
Memorials, Recognition -- Jane G. Kisber, Tennessee Board of Regents.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 16** was adopted by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that Rule 38 be suspended for the purpose of placing the following resolutions on a consent calendar for today, January 17, 2003, which motion prevailed: **House Joint Resolutions Nos. 8 and 9**; and **Senate Joint Resolution No. 12**.

CONSENT CALENDAR

House Joint Resolution No. 8 -- Memorials, Professional Achievement -- Hal Ramer, President, Volunteer State Community College.

House Joint Resolution No. 9 -- Memorials, Recognition -- Yvonne Wood.

Senate Joint Resolution No. 12 -- Memorials, Heroism -- Halie Jacobs.

Senator Crowe moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MOTION

Senator Crutchfield moved that the rules be suspended for the immediate consideration of **House Joint Resolution No. 7**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 7 -- General Assembly, Joint Conventions -- Calls joint convention for purpose of inaugurating Honorable Phil Bredesen as Governor on Saturday, January 18, 2003; adjourns organizational session and convenes regular session on January 18, 2003; recesses regular session until February 3, 2003.

On motion of Senator Crutchfield, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 7** was concurred in by the following vote:

Ayes 31
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron,

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Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Walker, Williams and Mr. Speaker Wilder--31.

A motion to reconsider was tabled.

MOTION

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 16.**

MESSAGE FROM THE HOUSE

January 17, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 11, 12, 13, 14 and 15; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

ENGROSSED BILLS

January 17, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 12, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS

January 17, 2003

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 16, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

January 17, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 1, 2, 3, 4 and 10; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

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MESSAGE FROM THE HOUSE

January 17, 2003

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 8 and 9, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

January 17, 2003

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 7, 8 and 9; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

January 17, 2003

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 7, 8 and 9.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 10:30 a.m., Saturday, January 18, 2003, which motion prevailed.